sanitation—Charges for the prevention of Epidemics. The necessity is explained in the note to the Standing Finance Committee. I request the House to grant the allotment.

Grant put and carried.

Rs. 6,900 under 29—Public Works—B—Mattancheri Water Supply.

Mr. V. K. Aravindaksha Menon.—Sir, I rise to move for an additional allotment of Rs. 6,900 under 29—Public Works—B — Mechanical and Electrical Engineering — Mattancheri Water Supply. This amount is required for certain repair to the old hundred-ton barge used for supplying water to Mattancherei from Ernakulam. I request the House to sanction the allotment.

Grant put and carried.

Rs. 408 under 31—5—Industries Dept.—B.—Govt. Trades School, Trichur.

Mr. I. N. Menon.—Sir, I rise to move for an additional allotment of Rs. 408 under 31—5—Industries Department—B—Government Trades School, Trichur Furniture, Tools etc., This sum is intended for the purchase of one of the new inventions, the Malayalam Typewriter. I hope that the House will be pleased to grant this additional allotment which represents the actual price of the Typewriter.

Grant put and carried.

The Cochin Abkari Regulation Amendment Bill.

Mr. Thomas Manjuran.—Sir, I rise to move the following amendment to the Cochin Abkari Regulation Amendment bill which has been returned by the Diwan for re-consideration by the Council under section 14-A of the Cochin Legislative Council Regulation.

"Delete paragraph 2 of the Bill and substitute for it the following:—

'2. At the end of section 3, clause (14) of the Cochin Abkari Regulation, 1 of 1077 (hereinafter referred to as the 'said Regulation'), the following proviso shall be added:—

"Provided that (a) all drugs synthetic or otherwise having a like physiological effect to that of cocaine and preparations and admixtures of the same are included in the term 'intoxicating drug' and (b) the Diwan may, by notification in

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the State Gazette, declare that any other intoxicating substance together with every preparation and admixture of the same shall be deemed to be an intoxicating drug for the purposes of this Regulation". "

The Hon'ble Members may like to know that the provision as it originally stood was to this effect:—"It shall further include any intoxicating substance together with every preparation and admixture of the same which the Diwan may, by notification in the Cochin Government Gazette, declare to be an intoxicating drug for the purposes of this Regulation". That clause actually forms the latter half of the amendment now proposed by me. The former half of the amendment did not exist in the original bill, with the result that cocaine and other drugs, synthetic or otherwise, that may have an intoxicating effect could, under the amendment that was once passed by the Council, be declared by the Diwan to be prohibited articles for purposes of importation. But the Diwan may or may not do that. It was thought that it would be better to prevent the importation of such drugs altogether rather than leave the matter to the discretion of the Diwan. Hence this amendment which suggests that all drugs synthetic or otherwise having a like physiological effect to that of cocaine and preparations and admixtures of the same are included in the term 'intoxicating drug'. Whereas by the amendment as it originally stood the Diwan could pass a notification prohibiting the importation of such drugs, under the amendment now proposed the importation of such drugs is absolutely prevented. The Hon'ble Members will realise that in view of the very bad effect that cocaine produces on the human system the attempt of this Government to prohibit the importation of cocaine in the manner now proposed will be found to be really a beneficial measure. In fact I understand that similar provisions exist in the British India and in several Indian States. I beg to move that the amendment may be accepted by the Government.

Mr. P. V. Subramania Ayyar.—I second it.

Mr. C. R Iyyunni.— Sir, I wish to say that the description of the drug in the section is vague and indistinct. The drug is described as one which, if taken, will produce the physiological effect which cocaine will produce on the human system. The law says that this is liable to be punished if such a drug is possessed or imported. I need hardly say that the article should be so described that an ordinary man can know what is meant. The description now given does not give any useful information for an ordinary man regarding the article. It

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is the elementary right of a citizen that the law by which he is governed should be clear and definite all that he can understand. A description of the article by the ingredient contained therein which will produce the above mentioned effect at least will be necessary. What the Government should try to do is to name the articles. If that is not possible at least the ingredients should be mentioned. Otherwise an ordinary man may, without knowing, commit an offence and may be hauled up before a magistrate which a civilised Government should certainly prevent.

Mr. Thomas Manjuran.—The reason is that it is difficult, if not impossible, to give an exhaustive list of the drugs that will have this effect. Ever so many permutations and combinations are possible with cocaine as the basis. Unless the matter is defined in a general form all kinds of evasions are possible. In proper cases expert testimony will have to be invited and the matter decided on its merits.

Mr. T. K. Nayar.—Who is to decide whether one thing is intoxicating or not? I think the previous amendment is more sensible, because the Diwan can decide whether a particular thing is intoxicating or not and take action. This is a general statement.

Mr. Thomas Manjuran. — That amendment is included in this amendment. A special departure has been made with regard to cocaine because of its well-known bad effects. That is why cocaine has to be specified. That is why cocaine is marked out for special treatment. The Hon'ble Members will understand that while reserving the right of the Diwan to declare by notification any substance to be an intoxicating drug, cocaine and other drugs relating to cocaine are absolutely prevented from importation. With regard to the components of cocaine every day various different forms of it may be made.

Mr. K. Ayyappan.—Are the Government aware whether the drug in any form is imported into Cochin now?

Mr. President.—The Hon'ble Members will finish their speeches so that the Government may give a consolidated reply. That will facilitate discussion.

There are certain penalties imposed by this amendment, for the possession of these drugs. Suppose a person possesses a drug. Unless we define the ingredients of the drug which produce this physiological effect how can the people know that that particular drug is prohibited from being imported?

Mr. M. P. Cherian.—If it is proved that it is a prohibited drug, he will be prosecuted.

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Mr. C. R. Iyyunni.—We must know whether such a drug will produce such a physiological effect. Before I import a drug I must take a specimen of it to a chemical analyst and get his opinion and ascertain whether it will produce the physiological effect stated. Unless a list of the articles either by name or by ingredients contained therein that I am prohibited from ordering is published in the Gazette, I think it will be hard and unjust.

Mr. K. M. Kunhi Moideen. — What is the harm in publishing the names of the drugs?

Mr. President.—There is no exhaustive list.

Mr. K. M. Kunhi Moideen.—At least so far as known.

Mr. T. S. Narayana Ayyar.—There is one principle in the scheme of legislation which distinguishes special legislation like this from penal legislation of a general kind, for instance between the Penal Code on the one hand and Regulations dealing with specific offences under Regulations like the Forest Regulation, Opium, Tobacco and Abkari Regulations. Hon'ble Members will understand that in the case of the Penal Code the presumption is in favour of innocense. But under the special regulations for reasons of public policy connected with the administration of these Regulations the burden lies upon the accused to prove that he is not guilty of a contravention of the penal provisions of the Regulation. In the interests of a salutary working of these Regulations, the net has been spread wide enough to enmesh all possible transgressors of the law. But in cases like those referred to by some of the Hon'ble Members, where the transgression of the law is made unwittingly by anyone, it will be treated merely as a technical offence for the purposes of regulating the penalty.

Motion put and lost.

Mr. T. S. Narayana Ayyar.—A poll, Sir.

Ayes.	Noes.
1. Mr. K. Achyuta Menon.	1. Mr. T. S. Balarama Ayyar.
2. Mr. V. K. Aravindhaksha Menon.	2. Mr. A. Eachara Menon.
3. Mr. M. P. Cherian.	3. Mr. P. Govinda Menon.
4. Miss. G. M. De'Souza.	4. Mr. C. R. Iyyunni.
5. Mr. P. Krishna Warriar	5. Mr. T. C. Iyyukkutty.
6. Mr. V. S. Krishnan Vydiar.	6. Mr. K. M. Ibrahim.
7. Mr. T. S. Narayana Ayyar.	7. Mr. T. K. Nayar.
8. Mr. A. Narayana Menon.	8. Mr. V. K. Krishnankutty.
	9. Mr. P. Kumaran Ezhuthassan.

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9. Mr. K. Narayana Menon
10. Mr. T. Narayana Menon.
11. Mr. I. N. Menon.
12. Mr. P. Nilakanda Menon.
13. Rama Varmha Tampuran.
14. Dr. D. Raghavendra Rao.
15. Mr. M. A. Sankunny.
16. Mr. A. Sankara Menon.
17. Dr. E. S. R. Menon.
18. Mr. P. V. Subramania Ayyar.
19. Mr. Thomas Manjuran.
20. Mr. H. J. Walmesly.

10. Mr. K. M. Kunhi Moideen.
11. Mr. Kunhirama Menon.
12. Mrs. P. Meenakshikutty Ammah.
13. Mr. Poppatlal Govardhanlaln.
14. Mr. P. Rama Menon.
15. Mr. T. A. Ramachandra Ayyar.
16. Mr. P. Sankunny Menon.
17. Mr. K. S. Panickar.
18. Mr. R. Viswanathan Chettyar.
19. Mr. C. S. Viswanatha Ayyar.

The House divided, Ayes 10 and Noes 19.

Amendment put and carried.

Mr. Thomas Manjuran.—I rise to move the following amendment:— "Delete the sub-section (2) to section 12 of Regulation I of 1077 proposed in the Bill in paragraph 3 thereof and substitute for it the following.—(2). The cultivation and the collection of the hemp and the coca plant are absolutely prohibited".

In the Bill as it originally stood the word 'collection' did not occur. The clause stood thus.—"The cultivation of the hemp and the coca plant is absolutely prohibited". Here the word 'collection' is also introduced. The idea is to prevent the collection of these plants and using them. I may say in this connection that the abuse of coca and drugs like ganja should be put down and I hope the sympathy of every Hon'ble Member is with the Government. It is as stated by the Secretary to Government not possible to specifically define all the various drugs for which prohibition is desirable. It is impossible for human ingenuity to define the various forms and if you have to name all the particular drugs that should be prevented from importation, it may be found to be practically impossible. The extremely baneful effect of such drugs has been noted by all civilized Governments and very stringent measures have been taken and are being taken all over the world. I hope the Hon'ble Members will without the least hesitation pass this second amendment which is intended to prevent people from collecting and cultivating the hemp and the coca plant. I move that this amendment may be adopted.

Mr. P. V. Subramania Ayyar.—I second it.

Amendment put and carried.

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Mr. Thomas Manjuran.—I rise to move the following amendment.—

"Delete paragraph 5 of the Bill and substitute for it the following.—

'In section 39 of the said Regulation after the words 'shall be' the words 'any cultivation of the hemp or coca plant or' shall be inserted". It is only an attempt to correct a slight error in the original bill. It happens unfortunately that in various editions of the regulation this word 'be' occurs in various lines, in some it is in the third line and in some it is in the fourth line. Government thought that it would be more specific if the words occurring on either side are inserted. I request that the amendment may be passed.

Mr. P. V. Subramania Ayyar.—I second it.

Amendment put and carried

Mr. Thomas Manjuran.—I move that the Bill as amended may be taken up and passed on Wednesday.

Mr. P. V. Subramania Ayyar.—I second it.

Motion put and carrrried.

The Rubber Control Bill.

Mr. Thomas Manjuran.—I rise to present the Select Committee Report on the Rubber Control Bill and move that the Bill be taken into consideration. The reason why this Bill which was reported on by the Select Committee was kept in abeyance till now, can be easily gleaned from the Report of the Select Committee itself. The Report states as follows.—

Paragraph 6. 'On a careful consideration of the evidence collected by us and all the circumstances relevant to the issue, we have no hesitation to hold that the acceptance by Cochin of the unfair and meagre quota granted to India, would rather than promote the welfare of the rubber planters of the State, in all probability, stifle most of them and particularly the smaller planters. We firmly believe that Cochin has a strong case for revision of the quota and do hope that, if strong representations are made to the Government of India, matters are likely to be got rectified. In any case, we would recommend that the hands of the Cochin Planters should not be tied down by legislation unless and until a fair quota has been conceded to them. We may mention here that, after a careful consideration of the facts and

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